



February 17, 2006

ENGROSSED SENATE BILL No. 5

DIGEST OF SB 5 (Updated February 15, 2006 5:10 pm - DI 69)

Citations Affected: IC 35-45; noncode.

Synopsis: Disorderly conduct at funerals. Makes disorderly conduct a Class D felony instead of a Class B misdemeanor if it: (1) is committed within 500 feet of the location where a funeral, burial, memorial service, funeral procession, or viewing is taking place; and (2) adversely affects the funeral, burial, memorial service, funeral procession, or viewing.

Effective: July 1, 2006.

**Steele, Craycraft, Young R Michael,
Mishler, Zakas, Paul, Dillon, Drozda,
Jackman, Heinold, Gard, Kruse,
Nugent, Long, Meeks, Wyss,
Riegsecker, Weatherwax, Hershman,
Bray**

(HOUSE SPONSORS — ULMER, GRUBB, THOMAS)

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 10, 2006, amended, reported favorably — Do Pass.

January 17, 2006, read second time, ordered engrossed. Engrossed.

January 19, 2006, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 2, 2006, read first time and referred to Committee on Courts and Criminal Code.

February 16, 2006, amended, reported — Do Pass.

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February 17, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 5

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-45-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who
3 recklessly, knowingly, or intentionally:

4 (1) engages in fighting or in tumultuous conduct;

5 (2) makes unreasonable noise and continues to do so after being
6 asked to stop; or

7 (3) disrupts a lawful assembly of persons;
8 commits disorderly conduct, a Class B misdemeanor.

9 ~~(b) However,~~ The offense **described in subsection (a)** is a Class D
10 felony if it:

11 (1) adversely affects airport security; and

12 (2) is committed in an airport (as defined in IC 8-21-1-1) or on the
13 premises of an airport, including in a parking area, a maintenance
14 bay, or an aircraft hangar.

15 **(c) The offense described in subsection (a) is a Class D felony if**
16 **it:**

17 **(1) is committed within five hundred (500) feet of:**

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1 (A) the location where a burial is being performed;
2 (B) a funeral procession, if the person described in
3 subsection (a) knows that the funeral procession is taking
4 place; or
5 (C) a building in which:
6 (i) a funeral or memorial service; or
7 (ii) the viewing of a deceased person;
8 is being conducted; and
9 (2) adversely affects the funeral, burial, viewing, funeral
10 procession, or memorial service.
11 SECTION 2. [EFFECTIVE JULY 1, 2006] IC 35-45-1-3, as
12 amended by this act, applies only to crimes committed after June
13 30, 2006.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 5, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, after "it" insert ":

(1)".

Page 1, line 17, delete "(1) a cemetery (as defined in IC 23-14-33-7) during", begin a new line double block indented, and insert:

"(A) the location where".

Page 2, line 1, delete "burial;" and insert **"burial is being performed;"**.

Page 2, line 2, delete "(2)", begin a new line double block indented and insert:

"(B)".

Page 2, line 3, delete "(3)", begin a new line double block indented and insert:

"(C)".

Page 2, line 5, delete "(4)", begin a new line double block indented and insert:

"(D)".

Page 2, line 6, delete "." and insert **"; and**

(2) adversely affects the funeral, burial, viewing, funeral procession, or memorial service."

and when so amended that said bill do pass.

(Reference is to SB 5 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 11, Nays 0.

 SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senators Young R Michael, Mishler, Zakas, Paul, Dillon, Drozda, Jackman, Heinold, Gard, Kruse, Nugent, Long, Meeks, Wyss, Riegsecker, Weatherwax, Hershman and Bray be added as coauthors of Engrossed Senate Bill 5.

STEELE

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 5, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "funeral or".

Page 2, delete lines 3 through 4.

Page 2, line 5, delete "(C)" and insert "**(B)**".

Page 2, delete lines 8 through 9, begin a new line double block indented and insert:

"(C) a building in which:

(i) a funeral or memorial service; or

**(ii) the viewing of a deceased person;
is being conducted; and".**

and when so amended that said bill do pass.

(Reference is to SB 5 as printed January 11, 2006.)

ULMER, Chair

Committee Vote: yeas 9, nays 1.

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